

REMARKS

In the Office Action of October 8, 2004, the Examiner rejected claims 1 to 10 and 24 to 25 as being anticipated by U.S. patent no. 6,298,348 to ELDERING.

Claim 11 was rejected as being obvious over another ELDERING reference taken in combination with HONARVAR.

Lastly, claims 18 to 25 were rejected as being directed to non-statutory subject-matter.

In response thereto, claim 18 has been amended to modify the language used therein.

In the Office Action, the Examiner stated: *"Eldering further discloses wherein said system further comprises means for attributing an appropriate weighting to the consistencies and inconsistencies existing between the said consumer's self-perceived consumption behaviour profile with the tracked said consumer's actual behaviour derived consumption profile (i.e. a weighing factor for weighing particular product purchased at particular time)"*. The Examiner directs us to column 10, lines 43 to 54 in ELDERING.

The ELDERING reference is directed to a consumer profiling system, whereas, in the present application, a consumer's behaviour is tracked via purchasing habits and other features.

It is true that ELDERING does disclose the use of a survey to build an initial profile. However, that is where the similarities between the two systems end.

ELDERING is directed to such a computer profiling system where an advertiser can then mine the database of consumers and based on common consumers' profiles, target an ad campaign to those consumers. This can be seen at Figure 7 where

heuristic rules are used to identify those consumers which would be more apt to receive the particular campaign. Reference is also made to Figure 8B.

Reference is also made to column 3 where ELDERING states what the use of the invention is:

"The present invention can be used to develop product preference descriptions of consumers which describe the brand and size product that they purchase, and which provide a probabilistic interpretation of the products they are likely to buy in the future. The product preference description can be generated by creating a weighted average of an existing product preference vector describing the consumer's historical product preferences (type of product, brand, and size) and the characteristics of recent purchases."

Further down at column 3, at lines 33 and following:

"One advantage of the present invention is that it allows consumer profiles to be updated automatically based on their purchases, and forms a description of the consumer including demographic characteristics and product preferences. This description can be used by advertisers to determine the suitability of advertisements to the consumer. Consumers benefit from the system since they will receive advertisements which are more likely to be applicable to them."

In contradistinction, the present invention is not directed to building a database of consumer profiles for potential advertisers.

Rather, the present invention is directed to a system for creating a true consumption profile based on one hand on a consumer's self-perceived consumption behaviour profile and on the other hand, the actual consumption profile of that consumer.

In fact, the present invention is based on the assumption that in some cases, what a consumer believes his or her consumption behaviour is, is in fact quite different from the

actual consumption behaviour. Thus, the system is set up to identify such consistencies and/or inconsistencies and to weigh them according to weighting factors. The system thus permits, on a per-consumer basis, a building of a true consumption profile, identifying where the consumer is aligned with his or her perception and where the two are inconsistent.

The example at pages 22 and 23 show the application of such a system to the financial services industry where in some jurisdictions, consumers are asked to identify their investment profile, but then frequently give investment orders that fall outside the declared profile.

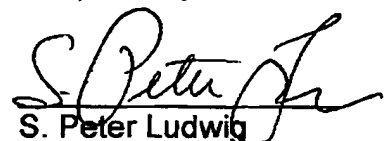
There are, of course, a number of other sectors where such a system is useful.

Thus, it is believed that the reference cited by the Examiner cannot be used to anticipate, nor render obvious the present invention, given the fact that structurally they are different and they are not used for the same purposes.

It is respectfully submitted that the claims on file are allowable over the prior art of record.

March 8, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Peter Ludwig", is written over a horizontal line.

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